



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
JUN 26 2017

REPLY TO THE ATTENTION OF:
LC-17J

CERTIFIED MAIL 7014 2870 0001 9577 6794
RETURNED RECEIPT REQUESTED

Mr. Michael Beck
President
Think Painting, Inc.
312 West New England Avenue
Worthington, Ohio 43085

Re: Expedited Settlement Agreement and Final Order – In the Matter of:
Think Painting, Inc., Docket No. TSCA-05-2017-0004

Dear Mr. Beck:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement and Final Order (ESA) in resolution of the above case. This document was filed on June 26, 2017 with the Regional Hearing Clerk.

The civil penalty in the amount of \$200 is to be paid in the manner described in paragraph's 6 and 7. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Christina Saldivar".

Christina Saldivar
Pesticides and Toxics Compliance Section

Enclosure

cc: Mary McAuliffe, (C-14J)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5



IN THE MATTER OF:) Docket No.
) **TSCA-05-2017-0004**
Think Painting, Inc.)
Worthington, Ohio)
) **EXPEDITED SETTLEMENT**
Respondent) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that Think Painting, Inc. (Respondent) failed to comply with regulations promulgated under Section 407 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2689, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. On July 6, 2016, a representative of EPA contacted Respondent to make an appointment for an on-site recordkeeping inspection to monitor Respondent's compliance with Section 407 of TSCA. At that time, EPA's representative was informed by the Respondent that records related to the residential property renovation regulations at 40 C.F.R. Part 745, Subpart E, were not being retained. EPA alleges that Respondent performed, offered, or claimed to perform renovations in or on pre-1978 housing in violation of TSCA as follows:
 - § 745.86(a): Failure to retain all records necessary to demonstrate compliance with 40 C.F.R Part 745, Subpart E for a period of 3 years following completion of the renovation activities.
3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$200 is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.225(a); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; and (4) consents to the assessment of this penalty.
6. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$200 for the TSCA violations identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:



U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

The check must state the case title ("In the Matter of: Think Painting, Inc."), and the docket number of this Agreement.

7. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA at the following address within 30 days after the effective date of the Agreement:

U.S. EPA
Pesticides and Toxics Compliance Section
ATTN: Christina Saldivar (LC-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604


8. This civil penalty is not deductible for federal tax purposes.
9. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
10. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
11. This Agreement resolves only Respondent's liability for federal civil penalties for the violations alleged in the Agreement.
12. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
14. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. § 2601 *et seq.*, and other applicable federal, state, and local laws.
15. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
16. The terms of this Agreement bind Respondent, and its successors and assigns.
17. Each person signing this Agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

18. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.
19. Each party shall bear its own costs and fees, if any.
20. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.


NAME (print): MIKE BECK

TITLE (print): OWNER/PRESIDENT

SIGNATURE: 

DATE: 6-10-17

APPROVED BY EPA:



DATE: 6-22-17

Ignacio L. Arrázola
Acting Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

June 23, 2017
Date

Ann L. Coyle
Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the Matter of: Think Painting, Inc.
Docket Number: TSCA-05-2017-0004

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, which was filed on June 26, 2017, this day in the following manner to the addressees:

Copy by Certified Mail
Return Receipt Requested:

Mr. Michael Beck
Think Painting, Inc.
312 West New England Avenue
Worthington, Ohio 43085

Copy by e-mail to
Attorney of Complainant:

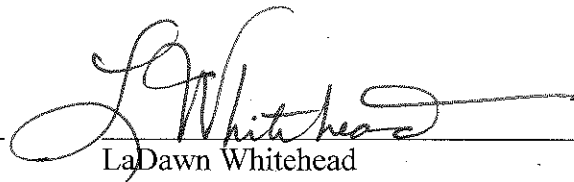
Mary McAuliffe
mcauliffe.mary@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

June 26, 2017



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

